

ON BOARD

140-2.1

The Virginia Board of Social Work

Number 6

Summer 1995

Know Your Board and Staff

BOARD MEMBERS

Carla B. Pittman, LCSW
Chairperson
Fairfax, Virginia

Joseph G. Lynch, LCSW
Vice-Chairperson
Harrisonburg, Virginia

Beulah M. Bruce
Citizen Member
Richmond, Virginia

Patricia B. Conklin, LCSW
Marion, Virginia

Mark L. Glassman
Citizen Member
Alexandria, Virginia

Dennis Hawley, LCSW, Ph.D.
Richmond, Virginia

William Russell, LCSW
Virginia Beach, Virginia

STAFF

Evelyn B. Brown
Executive Director

Janet D. Delorme
Deputy Executive Director

Arnice Covington
Administrative Assistant

Bernice Parker
Administrative Assistant for
Complaints and Discipline

The Chair's Corner

by Carla Pittman, LCSW
Chairperson, Board of Social Work

As a member of the Board of Social Work, I have seen some significant changes occur. First of all, the Board has been responsible for the charge of protecting consumers and ensuring legal and ethical conduct by licensed social workers. This mission has been directed by the Virginia General Assembly for the Board. Of course, the majority of licensed clinical social workers conduct themselves in the utmost professional manner. Nevertheless, the Board has seen an increase in the number of complaints. This is occurring due to the fact that the public is becoming more educated about their rights as consumers.

This year, the Board chose to re-join the American Association of State Social Work Boards (AASSWB) and will be using the national test for licensure of social workers. This decision will enable us to be part of the national network of Social Work Boards across the country. The Board is pleased with the changes, growth and future direction that AASSWB is undertaking. Virginia's membership in AASSWB will enable it to offer automated testing for licensure candidates. These tests will begin in 1996 with administrations in February, June and October. The test is nationally administered and will be consistent with other licensing requirements in many other states.

We also would like to wish Ella Langford and Tim McCarthy a fond farewell. Their contributions to the Board and invaluable experience will be missed.

Exemptions from Licensure in Virginia

by Joseph G. Lynch

The Virginia Board of Social Work receives frequent requests for clarification of the *Code of Virginia*, §54.1-3701, "Exemptions from Requirements of Licensure."

Virginia law has created exemptions from the requirement of social work licensure in the following limited situations:

(1) Where social work services are provided free of charge and the person providing such service is not held out as a licensed practitioner.

(2) Where services are provided as part of an educational course of study and are supervised.

(3) Where services are provided in connection with church affiliated pastoral or ministerial counseling.

(4) Where persons are salaried employees or volunteers of governmental entities or agencies established or funded by government entities or agencies established and funded by community based citizen groups.

(5) Where persons are performing as personnel managers for private businesses.

These exemptions do not permit an independent contractor of an entity funded by state and/or local government to engage in the practice of social work without a license, unless any such individual is a student who is receiving supervision or is providing services free of charge. It is important to note that the exemption is governed by the *nature* of employment in certain settings.

It is also important that LCSW's not aid or abet another to violate any statute applicable to the practice of social work or any provision of the regulations of the Virginia Board of Social Work.

New Board Members

Patricia Conklin of Marion, Mark Glassman of Alexandria, Dennis Hawley, PhD of Richmond and William Russell of Virginia Beach have all been appointed to the Board since the last newsletter.

Ms. Conklin is an LCSW and holds a master's degree from Virginia Commonwealth University. She worked at Southwest Virginia Mental Health Institute in Marion before opening her private practice in 1988. Ms. Conklin served on the Board of Directors of the Virginia Chapter, NASW as well as holding membership in various social work associations.

Mr. Glassman is a health care consultant and is a graduate of the University of Kansas. He is currently Vice-President for U.S. Strategies Corporation in Alexandria, Virginia. Mr. Glassman has served on committees at both the state and federal levels to revise health facility licensure and patient care standards. He currently is attending law school.

Dr. Hawley is an LCSW, with a masters degree from Virginia Commonwealth University and a doctoral degree in humanistic psychology from University for Humanistic Studies, Del Mar, California. Dr. Hawley is Executive Director for Clinical Studies for Medical and Counseling Associated, Inc., Challenge Discovery Projects. In addition to his membership in various professional associations and community organizations, Dr. Hawley is co-author of "Ambulatory Management of Adolescent and Drug Abuse" Seminars in Adolescent Medicine.

Mr. Russell is an LCSW, with a Master of Social Work from the University of North Carolina and a Master of Divinity degree from Southeastern Seminary. Mr. Russell is a co-founder and principal owner of the Virginia Beach Group, a professional corporation of mental health providers. He is Director of Social Work at Tidewater Psychiatric Institute in Virginia Beach. Mr. Russell is past-president of the Virginia Chapter of NASW, past president of the Virginia Counsel of Social Welfare and co-founder of the Eastern Virginia Society for Clinical Social Work. Additionally, Mr. Russell serves on the Examination Committee of the American Association of Social Work Boards.

Supervision

Since the elimination of oral examinations, the Board has revised its focus and is moving in another direction. In the past, the Board relied upon the orals as an essential component to ensure minimum competence for clinical social workers. That responsibility will now fall on the supervisors.

The requirements for supervision for those social workers working towards licensure changed with the Board's current regulations which went into effect December 30, 1992. Supervision must be under an LCSW with a minimum of five years of post-MSW clinical experience. The supervisor shall be responsible for assessing the minimal competency of the supervisee in the areas of theory base, diagnosis, treatment plan, ethics, and assessing the risk of imminent danger.

The Board defines supervision as "the relationship between a supervisor and supervisee which is designed to promote the development of responsibility and skill in the provision of social work services. Supervision shall include, without being limited to, the review of case presentations, audio tapes, and direct observation."

In the past, the supervisory function was provided to practitioners primarily by agencies. With the development of entrepreneurship, it has taken on additional significance with many trainees purchasing supervision outside of their agencies. The roles and responsibilities of supervisors is critical in ensuring that, once licensed, the LCSW is able to practice autonomously.

In order to ensure minimum standards for licensure, the Board will be putting additional emphasis on assisting supervisors in supervision and evaluating supervisees in a more uniform manner.

Registration of Supervision Required

The Board sent notices to all registered supervisors and all licensed social workers in June 1995 announcing the intent to strictly enforce current registration of supervision requirements (§2.2.C.1.a & b). These requirements state that supervisees must register and obtain approval of supervision prior to the onset of such supervision.

Failure to obtain approval prior to the onset of supervision may result in the denial of licensure for the applicant.

UPDATES

Eunice Lipscomb, Timothy McCarthy and Ella Langford have ended their tenure on the Board of Social Work.

Ms. Lipscomb served on the Board from July 1983 through June 1992. During her tenure, she served as Chair of the Newsletter Committee and the Inspection of Practice Subcommittee and also served as a member of the Examination Committee.

Mr. McCarthy served on the Board from July 1986 to October 1994. From 1989 to 1991 he served as Chairman of the Board. Concurrent with his service on the Board of Social Work, Mr. McCarthy served on the Board of Health Professions, of which he was Chair in 1992 and 1994. Mr. McCarthy now plans to devote time to his Virginia Beach practice, and to serving on the Board of Samaritan House, a Virginia Beach shelter providing emergency housing for battered women and their families.

Ms. Langford served on the Board of Social Work from July, 1990 to June 1994. From 1993 to 1994, Ms. Langford held the position as Chairperson of the Board. In addition, she served as Chair of the Credentials Committee. In part, Ms. Langford now plans to devote her time to pursuing a doctoral degree.

Ms. Lipscomb, Ms. Langford and Mr. McCarthy each made outstanding contributions as professional members of the Board. Their tenures spanned a decade and their knowledge of the field of social work was a most valuable asset to the Board and the Commonwealth. The Board wishes them all the very best in their future endeavors.

Governor Allen appointed John W. Hasty as Director of the Department of Health Professions, effective June 1, 1994. Mr. Hasty replaced Bernard L. Henderson, Jr., former Director of the Department of Health Professions, who resigned on March 11, 1994, to accept a position in private industry.

(continued on next page)

UPDATES (continued)

Mr. Hasty served as the Executive Director of the Virginia Pharmaceutical Association from 1992 until June 1994. Prior to that he served as the Director of Research and Development Training for the Professional Health Foundation from 1988 to 1992 and as the Director of Marketing Services for the Perspective Health Program from 1990 to 1992. Additionally, Mr. Hasty has been the co-owner and vice-president of Olde Towne Pharmacy, Incorporated, in Williamsburg, Virginia, since 1987.

Beverly Putnam, Administrative Assistant to the Board of Social Work for nine years, retired on June 30, 1994.

Arnice N. Covington joined the Board as Administrative Assistant on June 16, 1994. Ms. Covington had previously been with the Department of Health Professions as the Administrative Assistant to the Boards of Funeral Directors and Embalmers, Nursing Home Administrators and Audiology & Speech Pathology.

Janet D. Delorme accepted the position of Deputy Executive Director to the Boards of Social Work, Psychology and Professional Counselors on April 1, 1995. Ms. Delorme is primarily responsible for research, regulatory review and certification programs for rehabilitation providers and sex offender treatment providers.

The Department of Health Professions has developed a pamphlet entitled *Sexual Exploitation in Health Care*. To receive a copy of the pamphlet, please write to the Board office at 6606 West Broad Street, Fourth Floor, Richmond, Virginia 23230, or call Ms. Bernice Parker at (804) 662-7328.

Discipline Committee

<?> Questions & Answers <?>

by Joseph G. Lynch, LCSW

Too frequently, the Discipline Committee sees cases that could have been avoided if certain actions had been taken by the practitioner. Due to the increase in the number of discipline cases, this

column has been added to the newsletter. Your questions are welcome.

QUESTION: I am an LCSW in private practice. Over the years, I have become less formal in my relationships with clients. We call each other by first names and I share more personal information about myself. Sometimes I socialize with my clients and I tend to be free with physical contact. I find this humanizes the relationship. Recently, a colleague of mine raised questions and concerns about my behavior. I think she is being too rigid and distant from clients. Have I violated any standards with any of my actions?

ANSWER: Maintaining professional boundaries in the therapeutic relationship is critical. The trend you describe in your practice invites questioning of "dual relationships." Physical contact with clients raises the concern of sexual misconduct. Currently, this is a leading complaint in both the regulatory and malpractice arenas. You certainly place yourself at a much higher degree of risk and exposure to liability. Your colleague has brought something to your attention and, even though she may appear more "rigid and distant," this is a much more legally defensive position. You may want to consider taking a good therapeutic look at yourself and how it is that you decided to become "less formal." This could be about some of your needs and not the client's best interests.

REFERENCES:

- (1) Virginia Board of Social Work Regulations §7.1(10).
- (2) *Sexual Exploitation in Health Care* (pamphlet).
- (3) "Intervening with Psychotherapists Who Sexually Exploit Clients," *Innovations in Clinical Practice: A Source Book, Volume 6*, edited by Peter A. Keuer and Steven Heyman, 1987.
- (4) *The Vulnerable Social Worker, Liability for Serving Children and Families*, by Douglas Besharov, NASW, 1985.

QUESTION: A group of social workers were talking about what information must be in the client's record. Some of us thought the "less the better." What is the minimum record keeping requirement?

(continued on next page)

Q & A (continued)

ANSWER: Social Workers are being asked by insurance companies, managed care, government and others to meet certain standards for record keeping. The Board requires that you maintain a record on each client, that the record should include identifiable information to substantiate the diagnosis and treatment plan, client progress and termination. You are required to preserve the record for at least five years post termination [§7.1(11)] With the litigious nature of our society, "less may not be better." Your record is one of your main defenses when allegations of misconduct/malpractice are made about your practice.

REFERENCES:

- (1) Virginia Board of Social Work Regulations §7.1(11).
- (2) *Lawsuit Prevention Techniques for Mental Health Workers, Chemical Dependency Specialists and Clergy*, by Barbara F. Calgre, J.D., LCSW, 1992.

QUESTION: I am a recent LCSW and have only worked with children. Recently I changed positions and am working with a wide range of age groups and diagnostic categories. I feel a little overwhelmed and unprepared. Am I expected to be as skilled as other social workers with training and expertise in these areas?

ANSWER: The standards of practice in the Board's regulations state that social workers shall practice only within the competency areas for which they are qualified by training or experience [§7.1(3)]. In taking the new position, it is professionally incumbent upon you to acquire adequate training to be at least minimally competent. Also, a basic standard of malpractice is that you need to be at least as competent as a "reasonable" social worker would be in like circumstances. A "reasonable" social worker might seek training and close supervision when learning a new or less familiar set of skills. While the concept of a "reasonable" social worker is somewhat vague, you can be fairly sure that the court will look at social workers in like

circumstances from around the country, not just your locality.

REFERENCES:

- (1) Virginia Board of Social Work Regulations §7.1(3).
- (2) *Law and Social Work Practice*, by Andrea Saltzman, M.A., J.D., And Kathleen Proch, MSW, Ph.D., 1990.

Disciplinary Actions

As of June 1, 1995 there were 22 open disciplinary cases in various stages of investigation under the Board of Social Work.

Nature of alleged misconduct

- Criminal conviction-felony
- Sexual misconduct
- Unprofessional conduct
- Unlicensed practice
- Aiding and abetting another to violate regulation of the Code of Virginia
- improper use of the title L.C.S.W.

DISCIPLINARY ACTIONS TAKEN BY THE BOARD

Following are actions taken by the Board since the publication of the last newsletter.

Andrea K. Wiley, L.C.S.W. - On August 20, 1992, the Board entered an order revoking the license of Andrea K. Wiley following her conviction on a charge of grand larceny. The revocation of Ms. Wiley's license was stayed based upon her compliance with the terms and conditions established by the Board. On October 22, 1993, the Board determined that Ms. Wiley has complied with the terms and conditions of her order and her license has been reinstated to engage in the unrestricted practice of social work.

Benjamin J. Moss, L.C.S.W. - On June 14, 1993, a consent order was entered with Benjamin J. Moss whereby Mr. Moss was reprimanded for breaching client confidentiality.

Ronald Johnson, L.C.S.W. - On September 30, 1993, a formal hearing was held in response to Ronald Johnson's felony convictions for theft and assault and battery. Mr. Johnson failed to appear at this hearing having been properly noticed. The Board revoked Mr. Johnson's privilege to renew his license for a period of not less than two years.

Raymond Scott Mabe, L.C.S.W. - A consent order was entered November 18, 1994 whereby Mr. Mabe surrendered his license to practice social work. Mr. Mabe inappropriately terminated therapy and entered into a sexual relationship with Client A. Mr. Mabe engaged in inappropriate physical contact with Client B and failed to appropriately respond to Client B's transference issues. Mr. Mabe entered into a dual relationship with Client B by engaging in sexual relations and consuming alcohol with Client B during therapy sessions in his office.

William J. Pearlingi, L.C.S.W. - The Board entered an order suspending Mr. Pearlingi's license for not less than two years following his failure to recognize and respond in an appropriate manner regarding sexual transference and his inappropriate treatment of a patient with multiple personality disorder.

Kathleen Brant, L.C.S.W. - The Board entered an order suspending Ms. Brant's license for period of six months. Ms. Brant failed to manage the transference/countertransference of Client A which impaired her objectivity and professional judgement. When reinstated, Ms. Brant's license will be on probation for a period of two (2) years under terms and conditions specified in the order.

Beverly Walters, L.C.S.W. - A consent order was entered on September 30, 1994 that found Ms. Walters to have violated §§2.2(B)(2)(d), 3.2.2(B)(2)(j)(2) and 6.1(1) of the regulations of the VBSW (1990). No sanctions were placed upon the license.

Kathryn M. Young L.C.S.W. - A consent order was entered on September 30, 1994 that found violation of §7.1 (9) and 7.2. (5) of the regulations of the VBSW. No sanctions were imposed upon the license.

Kristine L. Montamat L.C.S.W. - A consent order was entered on September 30, 1994 that found a violation of §54.1-3706 of the Code of Virginia, (1950), as amended and §2.2(c) of the regulations of the VBSW. No sanctions were placed upon the license.

Susan A. Bowles L.C.S.W. - On February 13, 1995, an order was entered with a finding that Ms. Susan A. Bowles L.C.S.W. had forged prescriptions in her name for various controlled substances. Also, Ms. Bowles was found to have violated §§7.1(1) and 7.2(3), (4) and (5) of the Regulations of the Virginia Board of Social Work. Ms. Bowles' license was placed on indefinite probation subject to six (6) specific terms and conditions.

COMING EVENTS

Board of Social Work

1995 Calendar

August 4 Public Hearing on proposed regulations.

August 16 Examination forms and fees due to Assessment Systems, Inc. (ASI) from applicants approved to take the September 16, 1995 written examinations.

September 15 BOARD MEETING

September 16 WRITTEN EXAMINATION

NAME/ADDRESS CHANGES

Board policy requires that all name and address changes be made in writing to the Board office. In the case of a name change, a copy of the official document indicating the change is required.